

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
CIVIL ACTION NO. _____

KIRSTEN MESSMER,)
)
)
Plaintiff,)
)
v.)
)
DONNIE HARRISON, in his Official)
Capacity as Sheriff of Wake County, North)
Carolina, PAT McCRORY, in his Official)
Capacity as Governor of North Carolina,)
ROY COOPER, in his Official Capacity as)
Attorney General of North Carolina, and)
FRANK L. PERRY, in his Official)
Capacity as Secretary of the North)
Carolina Department of Public Safety,)
)
Defendants.)

DECLARATION OF KIRSTEN
MESSMER

The undersigned, declares as follows:

1. I am over 21 years of age, am competent to testify as to the matters herein, and the matters stated herein are based upon my personal knowledge.
2. I am a resident of Wake County, North Carolina and a citizen of the Federal Republic of Germany.
3. I have continuously resided in the United States since 2002, and have resided in North Carolina since November, 2014. I moved here from Maryland, where I lived for 12 years.
4. In June, 2006, I received my "green card," signifying that I am a lawful permanent resident alien. I intend to stay in the United States, and I intend to make North Carolina my home.

5. I am currently employed as a Senior Regulatory Affairs Specialist for a contract research organization serving the pharmaceutical industry. My highest level of education is a Ph.D. in Neurobiology, which I received in 2001 from the University of Sheffield in England.

6. I have extensive experience with firearms, and in particular handguns. I first began using and training with firearms in approximately 2008, and I have completed numerous courses in the safe handling of firearms and using firearms for self-defense. These courses include:

- Firearms Safety Training Course, Maryland Police Training Commission, May 15, 2008
- First Steps Pistol Orientation, National Rifle Association, March 6, 2009
- Home Firearm Safety Course, National Rifle Association, April 29, 2009
- Utah Concealed Firearms Permit Course, Mid-Atlantic Firearms Training, May 29, 2010
- Women's Defensive Handgun I, Center Mass Combat Tactics, August 25, 2012
- Women's Defensive Handgun II, Center Mass Combat Tactics, August 26, 2012
- Introduction to Tactical Weapons, Center Mass Combat Tactics, April 21, 2013
- Basic Combat Pistol Course, Center Mass Combat Tactics, June 9, 2013

7. In 2010, I was living in Maryland and wanted to obtain a concealed handgun permit. At the time, the State of Utah would issue concealed handgun permits to non-residents like myself. I applied for and obtained a permit, which was issued on July 15, 2010. This permit is valid through July 15, 2015.

8. My Utah permit gives me the legal authority to carry a concealed handgun in public in North Carolina, because North Carolina has a reciprocity law recognizing other states' concealed handgun permits. At present, I regularly carry a concealed handgun in public.

9. Beginning in 2011, Utah changed its laws regarding non-resident concealed handgun permits. As of January 1, 2012, in order for a Utah non-resident to renew a Utah

concealed handgun permit she must obtain a concealed handgun permit from her home state if that state has reciprocity agreements with Utah, which North Carolina does.

10. I cannot obtain a concealed handgun permit from my home state of North Carolina. I am a German citizen, and North Carolina only allows concealed handgun permits to be issued to United States citizens. I am therefore in a situation in which I cannot obtain a concealed handgun permit from my home state, and I cannot renew my presently-valid concealed handgun permit. And, in any event, I want to make North Carolina my home and I want to obtain a concealed handgun permit issued by the State of North Carolina.

11. I have very specific needs for obtaining a concealed handgun permit, other than my general desire to have a handgun in case I need to defend myself. My hobby is photography, and in order to take photographs of nature, landscapes, and similar outdoor subjects, I often travel to isolated areas. When I do so, I travel alone with expensive photography equipment, and I am often miles from any law enforcement presence and often outside of cell phone reception areas. At those times, I am in particular need of a handgun for my personal security.

12. More importantly, I continue to be under a threat to my physical safety. In 2010, my husband and I divorced. During our marriage, I had suffered abuse from my husband, and his conduct was so bad that I took the extraordinary step of obtaining a protective order against my husband in January 2009. Upon expiry of the "vacate home" clause of the protective order in July 2009, I first moved into a YMCA-run Domestic Violence Safe House (Arden House) for most of the month of August, 2009, until I secured appropriate accommodation for myself. In August 2009, I also entered the Maryland "Safe at Home" Address Confidentiality Program. This program issues survivors of domestic violence a replacement address. All first class mail was sent to a PO Box monitored by administrators of the Safe at Home program and forwarded to program participants at their address. Only my parents knew my real physical address. Other mail that the

Safe at Home program would not accept I had sent to a PO Box that I maintained in Washington, D.C. I lived in this manner for 5 years, and I finally decided with my move to North Carolina to move on and not to extensively hide my whereabouts. However, I still have to be on my guard because I believe that I am still under a threat. I therefore strongly believe that I must have the ability to defend myself, including while I am in public.

13. Once my Utah permit expires on July 15, 2015, I will no longer have the legal authority to carry a concealed handgun anywhere except in my residence. Because North Carolina makes it a crime to carry a concealed handgun outside of one's premises without a concealed handgun permit, I must forego carrying a concealed handgun unless I can obtain a permit.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this the 9th day of March, 2015.



Kirsten Messmer